

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KORRIE SMYRE,

Plaintiff,

V.

JASON AMARAL, JOYCE JOHNSON,
LEROY WILLIAMS, AND
MHM SERVICES, INC.,

Defendants.

C. A. No. : 13-387-SLR-MPT

MEMORANDUM ORDER

Upon motion by defendant MHM Services, Inc., under 18 Del. C. § 6853(d), the court has considered *in camera* whether the affidavit of merit filed by plaintiff in this medical negligence case complies with subdivisions (a)(1) and (c) of 18 Del. 6853.

Section 6853(a)(1) of Title 18 of the Delaware Code provides that all healthcare negligence complaints must be accompanied by an affidavit of merit as to each defendant, signed by an expert witness, as defined in 18 Del. C. § 6854, accompanied by a current *curriculum vitae* of the witness, and stating that there are reasonable grounds to believe that there has been healthcare medical negligence committed by each defendant. The purpose of § 6853 is to “require that expert medical testimony be presented to allege a deviation from the applicable standard of care.”¹

¹ *Dishmon v. Fucci*, 32 A.3d 338, 342 (Del. 2011) (citation omitted).

The court has reviewed the affidavit of merit and the accompanying *curriculum vitae*. The court finds:

1. The affidavit is signed by an expert witness, as defined in 18 DEL. C. § 6854.
2. The affidavit is accompanied by a current *curriculum vitae*.
3. The affidavit sets forth the expert's opinion consistent with the requirements of 18 DEL. C. § 6853.
4. The expert witness was licensed to practice as a professional counselor (LPC) in the State of Delaware as of the date of the affidavit.
6. In the three years immediately preceding the alleged negligent act(s), the expert witness was engaged in the treatment of patients in the field of medicine at issue in plaintiff's amended complaint, that is, mental health.

Therefore, having reviewed *in camera* the sealed affidavit of merit and accompanying *curriculum vitae* of plaintiff's expert witness, the court finds the affidavit of merit complies with sections 6853 (a)(1) and (c) of Title 18 of the Delaware Code.

Date: June 28 , 2013

/s/ Mary Pat Thyng
UNITED STATES MAGISTRATE JUDGE